

Inventor(s): Mitchell REF

Appln. No.: 09 | 982,849

Series Code ↑

Serial No. ↑

Group Art Unit 1644

Examiner: Unassigned

Atty. Dkt. P 0280728 | 2000-30-0513A

M#

Client Ref

Filed: October 22, 2001

Hon. Commissioner of Patents  
Washington, D.C. 20231Appln. Title: VARIANT IgG3 RITUXAN AND  
THERAPEUTIC USE THEREOF

Sir:

**REPLY/AMENDMENT/LETTER**

Date: March 21, 2002

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

**FEE REQUIREMENTS FOR CLAIMS AS AMENDED**

## 1. Small Entity claim

A. ☒ NOT madeB. ☐ WithdrawnC. ☐ made herewithD. ☐ made previously

For B & C  
See **Required**  
**Separate Paper**  
(Pat-256)

Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fee	Fee Code Lg/Sm
2. Total Effective Claims	**minus 0	0	x \$18/\$9 =	+ \$0	103/203
3. Independent Claims	***minus 0	0	x \$84/\$42 =	+ \$0	102/202
4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application) ..... add			+ \$280/\$140 =	+ \$0	104/204
5. Original due Date: <input type="checkbox"/> NONE					
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached		(1 mo) \$110/\$55 = (2 mos) \$400/\$200 = (3 mos) \$920/\$460 = (Usable only for ≤ 2mo.OA --- 4 mos) \$1,440/\$720= (Usable only for 30 day/1mo.OA --- 5 mos) \$1,960/\$980=	+ \$0		115/215 116/216 117/217 118/218 128/228
7. Enter any previous extension fee paid since above original due date and subtract			- \$0		
8. Extension Fee Attached			+ \$0		
9. If Terminal Disclaimer attached, add Rule 20(d) official fee .....			+ \$110/\$55	+ \$0	148/248
10. If IDS attached requires Official Fee under Rule 97 (c), ..... add			+ \$180	+ \$0	126
or if Rule 97(d) Request ..... add			+ \$180	+ \$0	126
11. After-Final Request Fee per rules 129(a) and 17(r) .....			+ \$740/370	+ \$0	146/246
12. No. of additional inventions for examination per Rule 129(b).....			x \$740/370 ea	+ \$0	149/249
13. Request for Continued Examination (RCE) .....			+ \$740/370	+ \$0	1179/1279
14. Property Rights Statement .....			+ \$0		
15. TOTAL FEE ENCLOSED =			\$0		

16. \*If the entry in this space is less than entry in next space, the "Present Extra" result is "0".

17. \*\*If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.

18. \*\*\*If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.

Our Deposit Account No. 03-3975)

(Our Order No. 037003 | 0280728

C#

M#

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Winthrop LLP  
Intellectual Property Group

By Atty: Robin L. Teskin

Reg. No. 35,030

1600 Tysons Boulevard

McLean, VA 22102

Tel: (703) 905-2000

Sig: 

Fax: (703) 905-2500

Tel: (703) 905-2200

Atty/Sec: RLT/AF

NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/982,849	10/22/2001	Mitchell E. Reff	P 0280728

CONFIRMATION NO. 7677

## FORMALITIES LETTER



\*OC000000007099679\*

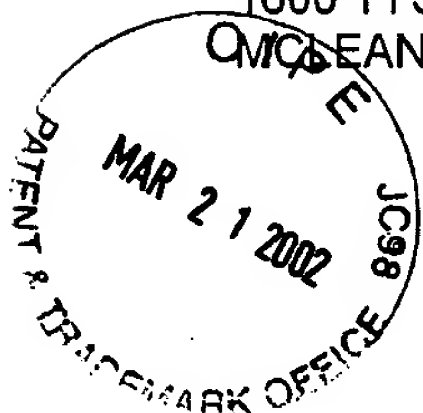
00909

PILLSBURY WINTHROP LLP

1600 TYSONS BOULEVARD

MCLEAN, VA 22102

Date Mailed: 11/20/2001



## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice MUST be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

03/22/2002 NGBREM1 00000036 09982849

01 FC:105

130.00 OP

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## FILING COMPLETION UNDER RULE 53(f)

( NOT PCT Applications)  
For Design, Provisional, or Utility Applications

PATENT  
APPLICATION

**COMPLETION Under**  
**Rule 53(f)**

Attn: Application Division

In re PATENT APPLICATION of

Inventor(s): Mitchell REF

Appln. No.: 09	982,849	Atty.Dkt. P	0280728	2000-30-0513A
Series Code ↑	Serial No. ↑		M#	Client Ref

Filed: October 22, 2001

Title: VARIANT IgG3 RITUXAN AND THERAPEUTIC USE THEREOF

Hon. Commisioner of Patents  
Washington,DC 20231

Date: March 21, 2002

Sir:

The following completes the filing under Rule 53(f) of the above-identified patent application:

1. **Notice to File Missing Parts** ☒ copy attached ☐ not yet received
2. ☒ Signed Declaration attached. ☐ Original ☐ Facsimile/Copy

(Always "X" box 2 if filing signed Declaration and

"X" box 2A only if top box of the Declaration is X'd and file application copy, or

"X" box 2B only if none of the top three boxes of the Declaration is X'd.)

2A. ☐ Attached: Original signed Declaration with attached specification (including claim(s)) which is a copy of specification and claim(s) originally filed to secure the above filing date.

2B. ☐ The original application as filed in the PTO on the above filing date is the application which each inventor executed by signing the attached Rule 63 Declaration.

3. ☐ Specification originally filed in non-English language; hence verified translation attached of:

a. ☐ Abstract

b. #  pages of Specification(only spec. & claims)

c. ☐ Drawing(s)

No of Sheets

☐ Fig(s).

4. ☐ Letter filing formal drawing attached.

5. ☒ Attached is an assignment and cover sheet. Please return the recorded assignment to the undersigned.

6. DOMESTIC/INTERNATIONAL priority is claimed under 35 USC 119(e)/120/365(c) based on the following provisional, nonprovisional and/or PCT international application(s):

Application No.	Filing Date	Application No.	Filing Date
(1) 60/241,022	October 20, 2000	(2)	
(3)		(4)	
(5)		(6)	

7. FOREIGN priority is claimed under 35 USC 119(a)-(d)/365(b) based on filing in

8.

Application No.	Filing Dat	Application No.	Filing Date
(1)		(2)	
(3)		(4)	
(5)		(6)	

9. \_\_\_\_\_ (No.) Certified copy (copies): ☐ attached; ☐ previously filed (date) \_\_\_\_\_  
in U.S. Application No. \_\_\_\_\_ / \_\_\_\_\_ filed on \_\_\_\_\_

10. Small Entity Status ☐ ☒ is Not claimed ☐ is claimed (file PAT-256 if this is the first claim of Small Entity Status)

11. ☐ Attached:

12. ☐ Preliminary Amendment:

**THE FOLLOWING FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY ABOVE CANCELLED**

				Large/Small Entity		Fee Code
13. Basic Filing Fee . . . . . Design Application				\$330/\$165		106/26
Not Design Application				\$740/\$370	+	101/201
14. Total Effective Claims		minus 20 =		x \$18/\$9	+0	103/203
15. Independent Claims		minus 3 =		x \$84/\$42	+0	102/202
16. If <u>any proper</u> multiple dependent claim (ignore improper) is present, (Leave this line blank if this is a reissue application)				\$280/\$140	+0	104/204
17. Surcharge for filing Declaration/filing fee late				\$130/\$65	+130	105/205
18. FILING FEE ENCLOSED =				\$130		
19. Original due date: January 20, 2002						
20. Petition is hereby made to extend the original due date to				(1 mo)	\$110/\$55 =	+920
cover the date this response is filed for which the requisite fee				(2mos)	\$400/\$200 =	115/215
is attached				(3mos)	\$920/\$460 =	116/216
				(4mos)	\$1,440/\$720 =	117/217
						118/218
21. If "non-English" box 3 is X'd, add Rule 17(k) processing fee . . . . .				\$130	+0	139
22. If "assignment" box 5 is X'd, add recording fee. . . . .				\$40	+40	581
23. Petition Fee for				\$130	+0	
24. TOTAL FEE ENCLOSED =				\$1090		

Our Deposit Account No. 03-3975

Our Order No. 037003

0280728

C#

M#

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. **This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.**

Pillsbury Winthrop LLP  
Intellectual Property Group

1600 Tysons Boulevard  
McLean, VA 22102  
Tel: (703) 905-2000

By Atty: Robin L. Teskin

Reg. No. 35,030

Sig:

Fax: (703) 905-2500  
Tel: (703) 905-2200

Atty/Sec: RLT/AF

**NOTE: File in duplicate with PTO receipt (PAT-103A) and attachments**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



FILING COMPLETION UNDER RULE 53(f)

( NOT PCT Applications)  
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PATENT  
APPLICATION

COMPLETION Under  
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Attn: Application Division

In re PATENT APPLICATION of  
Inventor(s): Mitchell REF

Appln. No.: 09 982,849 Atty.Dkt. P 0280728 2000-30-0513A  
Series Code ↑ Serial No. ↑ M# Client Ref

Filed: October 22, 2001

Title: VARIANT IgG3 RITUXAN AND THERAPEUTIC USE THEREOF

03/22/2002 MGEDEM1 00000036 09982849

02 FC:117

920.00 OP

Hon. Commisioner of Patents  
Washington,DC 20231

Date: March 21, 2002

Sir:

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1. Notice to File Missing Parts ☒ copy attached ☐ not yet received  
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(Always "X" box 2 if filling signed Declaration and

"X" box 2A only if top box of the Declaration is X'd and file application copy, or

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(3)		(4)	
(5)		(6)	



9. \_\_\_\_\_ (No.) Certified copy (copies): ☐ attached; ☐ previously filed (date) \_\_\_\_\_  
in U.S. Application No. \_\_\_\_\_ / \_\_\_\_\_ filed on \_\_\_\_\_

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18. <b>FILING FEE ENCLOSED =</b>				<b>\$130</b>		
19. <b>Original due date:</b> January 20, 2002						
20. <b>Petition is hereby made</b> to extend the <u>original</u> due date to				(1 mo) \$110/\$55 =	+920	115/215
cover the date this response is filed for which the requisite fee				(2mos) \$400/\$200 =		116/216
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Our Deposit Account No. 03-3975

Our Order No. 037003

0280728

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1600 Tysons Boulevard  
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Tel: (703) 905-2000

By Atty: Robin L. Teskin

Reg. No. 35,030

Sig: 

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Atty/Sec: RLT/AF

**NOTE: File in duplicate with PTO receipt (PAT-103A) and attachments**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Mitchell REFF

Group Art Unit:(Unassigned)

Appln. No.:09/982,849

Examiner: (Unassigned)

Filed: October 22, 2001

Title: VARIANT IgG3 RITUXAN AND THERAPEUTIC USE THEREOF

March 21, 2002

\* \* \* \* \*

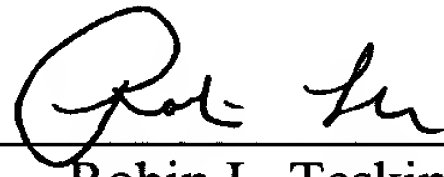
**PROPERTY RIGHTS STATMENT**

Hon. Commissioner of Patents  
Washington, D.C. 20231

Sir:

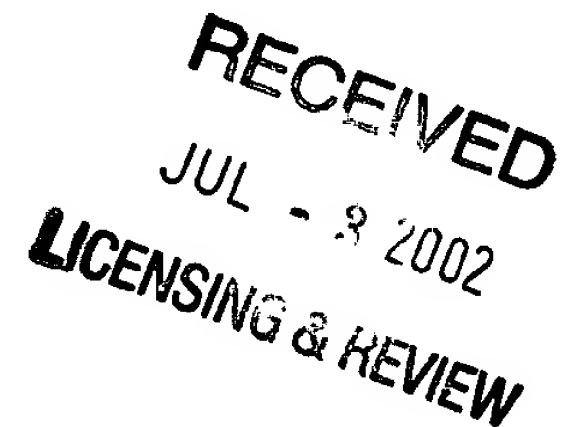
In response to the Notice dated February 4, 2002. Applicant enclose herewith a statement by the inventor advising that this invention was not made or conceived with any information relating to the Atomic Energy Research Commission.

Respectfully submitted,  
Pillsbury Winthrop LLP

By:   
Robin L. Teskin  
Reg. No.: 35,030

1600 Tysons Boulevard  
McLean, VA 22102  
Tel. No.: (703) 905-2200  
Fax No.: (703) 905-2500

Date: March 21, 2002  
Attachment: Property Rights Statement



#6  
HMH/BSZ  
7/3/02

## PROPERTY RIGHTS STATEMENT

I, Mitchell E. Reff, a citizen of U.S. residing in San Diego, California, U.S.A., declare:

(1) that I made and conceived the invention described and claimed in patent application:

Serial No. 09/982,849 filed in the United States of America on October 22, 2001

Titled: VARIANT IGG3 RITUXAN AND THERAPEUTIC USES THEREOF

(2) that I made and conceived this invention while employed by IDEC Pharmaceuticals Corporation and that the invention is related to the work that I was employed to perform and was made within the scope of my employment duties; and that the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of IDEC Pharmaceuticals Corporation.

(3) that to the best of my knowledge and belief the invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract and arrangement entered into, with or for the benefit of the United States Atomic Energy Research Commission or its successors: Energy Research and Development Administration or the Department of Energy; and

(4) the invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

The undersigned inventor declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

(1) INVENTOR'S SIGNATURE:

Date:

Name	Mitchell	E.	Reff
First	Middle Initial	Family Name	
Residence	San Diego	California	U.S.A.
City	State/Foreign Country		Country of Citizenship
Mailing Address	4166 Combe Way, San Diego, CA		
(include Zip Code)	92122		